

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DELCINE THOMPSON	)	
	)	
	Plaintiff,	
	)	
v.	)	
	)	Case No. 08 CV 1222
ILLINOIS DEPARTMENT OF	)	JURY TRIAL DEMANDED
CORRECTIONS	)	Judge Joan Humphrey Lefkow
	Defendant.	
	)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE**  
**PLAINTIFF’S SECOND AMENDED COMPLAINT**

DELCINE THOMPSON (“Thompson”), by her attorneys, seeks leave of court to file Plaintiff’s Second Amended Complaint. In support thereof, Thompson states as follows:

- 1      On or about February 28, 2008, Thompson brought this action alleging violation of her rights under the Equal Pay Act (“EPA”). On April 18, 2007, Thompson filed a Charge of Discrimination with the Equal Employment Opportunity Commission (the “EEOC”). In her Charge, Thompson alleged *inter alia*, that IDOC discriminated against her based on her age and race.
  
2.      The EEOC has not yet issued a Notice of Right to Sue to Thompson. However, because more than 60 days have expired since Thompson filed her EEOC Charge, she has satisfied all procedural requirements for bringing a claim pursuant to the Age Discrimination in Employment Act (“ADEA”).
  
3.      Additionally, no Notice of Right to Sue is required in order to allege a cause of action based on race discrimination pursuant to 42 U.S.C. §1983.

4. Consequently, Thompson has prepared a proposed Second Amended Complaint in which she alleges that the IDOC violated her rights pursuant to the EPA, the ADEA and 42 U.S.C. §1983. A copy of Thompson's proposed Second Amended Complaint is attached hereto as Exhibit 1.
5. This Court's granting this motion will not impact the proposed schedule for discovery in this case.

WHEREFORE, Thompson, requests that this Court grant her leave to file Plaintiff's Second Amended Complaint.

Respectfully submitted,

s/ Hubert O. Thompson

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